

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**MICHAEL W. SMITH**

**PLAINTIFF**

**VS**

**CIVIL ACTION NO: 2:12-cv-75-GHD-JMV**

**GAIL JACO, ET AL.**

**DEFENDANTS**

**ORDER**

This action for alleged breach of contract and fraudulent conveyance of real property is before the court, sua sponte, for the purpose of obtaining an update on the plaintiff's ability to pay for his transport from his place of current incarceration, Memphis, Tennessee, to trial on September 22, 2014, in Oxford, Mississippi. By prior order [59] entered in this case on October 25, 2013, the court suggested it would ultimately be the Plaintiff's responsibility to pay for any expenses relative to his transportation to the Northern District of Mississippi for trial purposes. But, it also expressed its intent to fully address the Plaintiff's financial situation closer to the aforementioned trial date. In anticipation thereof, the court requests a status update as to plaintiff's financial situation and ability to pay for the respective costs to his attendance at trial. Specifically, the court seeks the following information:

- (1) Whether, and what amount, the plaintiff has funds to pay for his transport to trial;
- (2) Whether the plaintiff has been or will be released by the trial date of September 22, 2014; and
- (3) Whether, and what efforts, the plaintiff has made to secure his attendance at trial by video conference as an alternative in person attendance at trial.

The Plaintiff is directed to file a response with the requested updated information within

fourteen (14) days of the date of this order. Plaintiff is warned that his failure to comply with the requirements of this order may lead to sanctions up to and including the dismissal of his lawsuit under Rule 41(b), Federal Rules of Civil Procedure, for failure to comply with an order of the court.

**SO ORDERED**, this the 23rd day of April, 2014.

/s/ Jane M. Virden  
**UNITED STATES MAGISTRATE JUDGE**